



AF/1648

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Applicati n Number	09/147,919
Filing Date	March 23, 1999
First Named Inventor	Mary Jane Cardosa
Group Art Unit	1648
Examiner Name	M. Mosher
Attorney Docket No.	20239-0703
Total Number Of Pages In This Submission	11

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Supplemental Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Return Postcard

TECH CENTER 1600/2900

APR 11 2003

RECEIVED

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Antoinette F. Konski Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, California 94111
Signature	<i>Antoinette Konski</i>
Date	April 3, 2003

CERTIFICATE OF MAILING

I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date listed below.

April 3, 2003 Peggy Nichols Peggy Nichols

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



Atty. Docket No. 20239-0703

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231.

Dated: April 3, 2003

Name of Person Certifying: Peggy Nichols

Printed Name:

Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#21/E
6/13/03

Applicant: CARDOSA, Mary Jane et al.

Filing Date: March 23, 1999

Examiner: M. Mosher

Serial No.: 09/147,919

Group Art Unit: 1648

Title: **RECOMBINANT MVA VIRUS EXPRESSING DENGUE VIRUS
ANTIGENS, AND THE USE THEREOF IN VACCINES**

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2000

APR 11 2003

RECEIVED

SUPPLEMENTAL RESPONSE TO FINAL OFFICE ACTION

This paper is submitted in connection with the Continued Prosecution Application (CPA) filed with the U.S. Patent and Trademark Office on January 7, 2003 and in response to the remarks set forth in the Advisory Action issued November 25, 2002 by the U.S. Patent and Trademark Office.

I. REMARKS

In the Advisory Action, the Office indicated that the amendment to the claims would be denied entry because the insertion of the term "homologous" raises new issues. The Office also indicated that even if support for the term "homologous" is found in the specification, there may be issues of enablement because of recombination and instability of the recombinant poxvirus.

In response to the Office's remarks, Applicants direct the Office's attention to page 8, the first line of the second full paragraph that clearly indicates that homologous recombination is used to prepare recombinant MVA vaccinia virus. Thus, the term is supported and entry of the claim amendments are respectfully requested.